

| | | | |
|--------|-----------------------------------|---|---------------------|
| IN RE: | PETITION FOR VARIANCE | * | BEFORE THE |
| | 1865' SE of C/L Reisterstown Road | * | |
| | and Garrison View Road, then 460' | * | ZONING COMMISSIONER |
| | to the POB | | |
| | (300 Garrison Forest Road) | * | OF BALTIMORE COUNTY |
| | 3rd Election District | | |
| | 3rd Councilmanic District | * | Case No.: 95-492-A |
| | Garrison Forest School | * | |
| | Petitioner | * | |

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 300 Garrison Forest Road, located in Owings Mills. The petition was filed by the owner of the property, Garrison Forest School, by G. Peter O'Neill, Head of School, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek a variance from Section 1B01.2.C.1.a. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 40 foot setback between buildings in lieu of the required 110 foot setback and a 15 foot side yard setback in lieu of the required 80 foot setback. The subject property and relief sought are more particularly described on the site plan submitted and accepted in to evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were G. Peter O'Neill and William Hodgetts representing Garrison Forest School, Jean Tansey of Daft-McCune-Walker, Inc., the engineering firm that prepared the site plan for this project, Alan Reed of Grieves, Worrall & O'Hatnick, the architectural firm that prepared the perspectives for

ORDER RECEIVED FOR FILING

Date

By

8/9/95
M. Horak

MICROFILMED

this project, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject site consists of a gross area of 3.67 acres, zone D.R.1 and is a portion of the Garrison Forest School. The property is located on the northeast side of Reisterstown Road just off of Garrison Forest Road, in Owings Mills. The Petitioners are desirous of constructing a 12,000 sq. ft. Fine and Performing Arts Center in an effort to accommodate the growing needs of their student population. Testimony indicated the Petitioners were careful to design the proposed addition in keeping with the architecture of existing improvements. The variances are required because the Petitioners require that the buildings be closely grouped in order to preserve the character of the campus.

The B.C.Z.R., specifically Section 307.1, established a two-step process for granting of variances. That two-step process was discussed by the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case interpreted the B.C.Z.R. to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and the Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself -- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause the relevant setback requirements to impact disproportionately upon this

ORDER RECEIVED FOR FILING

Date

By

8/27/95
M. Horak

particular parcel of land. No other property in this area has an existing private school with existing structures that dictate the location of the proposed Fine and Performing Arts Center. Moreover, the existing development on site and topography of the property adds to its unique character.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to demonstrate that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guideline set forth in Section 307.1 of the B.C.Z.R. has been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard.

ORDER RECEIVED FOR FILING

DEC 11 2003

8/7/95
M. G. Gorb

2003/12/11

Compared with this burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonable prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, supra, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find that the testimony and evidence provided at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variances requested should be granted. I further find that the granting of these variances are in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

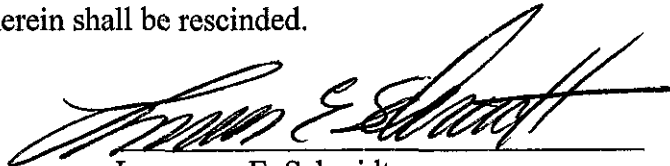
MICROFILMED

ORDER RECEIVED FOR FILING
Date 8/7/95
By M. Noah

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2th day of August, 1995, that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 40 foot setback between buildings in lieu of the required 110 foot setback and a 15 foot side yard setback in lieu of the required 80 foot setback be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



Lawrence E. Schmidt,
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

8/7/95

By

TO1DOCS1/BAW01/0010168.01

MICROFILMED



Petition for Variance

95-492-A

to the Zoning Commissioner of Baltimore County

for the property located at 300 Garrison Forest Road, Owings Mills, MD 21117

which is presently zoned DRL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B01.2.C.1.a. of the Baltimore County Zoning Regulations to permit a 40 foot front yard setback in lieu of the required 70 foot and a 15 foot side yard setback in lieu of the required 40 foot setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman, Esquire

(Type or Print Name)

Signature *Robert A. Hoffman*
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue 494-6262

Address
Towson, Maryland 21204 Phone No.
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Garrison Forest School

(Type or Print Name)

By: *G. Peter O'Neill*
Signature G. Peter O'Neill, Head of School

(Type or Print Name)

Signature

300 Garrison Forest School 363-1500

Address Phone No.
Owings Mills, Maryland 21117

City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman, Esquire
Name 210 Allegheny Avenue
Towson, Maryland 21204 494-6262
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date Next Two Months

ALL ☒ OTHER

REVIEWED BY: *[Signature]* DATE 6-23-95

#483

95-492-A

483

Description
To Accompany Petition for Zoning Variance
Part of the Garrison Forest School Property
Northeast of Reisterstown Road
Southeast of Garrison View Road
Third Election District, Baltimore County, Maryland



Daft, McCune & Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Reisterstown Road (Maryland Route 140) with the centerline of Garrison View Road (1) Southeasterly along said centerline of Reisterstown Road 1835 feet, more or less, and thence (2) Northeasterly 460 feet, more or less, to the point of beginning, thence leaving said beginning point and running the four following courses and distances, viz: (1) North 40 degrees 30 minutes 00 seconds East 400.00 feet, thence (2) South 49 degrees 30 minutes 00 seconds East 400.00 feet, thence (3) South 40 degrees 30 minutes 00 seconds West 400.00 feet, and thence (4) North 49 degrees 30 minutes 00 seconds West 400.00 feet to the point of beginning; containing 3.67 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 19, 1995

Project No. 90080.A (L90080A)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-492-A

District 3rd

Date of Posting 7/14/95

Posted for: Varonico

Petitioner: Garrison Forest School

Location of property: 300 Garrison Forest Rd.

Location of Signs: Signs ready on property being posted

Remarks: _____

Posted by [Signature]
Signature

Date of return: 7/21/95

Number of Signs: 1

RECEIVED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein. In Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-492-A
(Item 483)
300 Garrison Forest Road
1865' SE of d/l Re-
laxation Road and Gar-
rison View Road, then 480'
NE to PG&E

and Election District
and Councilman's
Legal Owner(s):
Garrison Forest School
Hearing: Wednesday,
August 2, 1995 at 3:00
p.m. in Rm. 106, County Of-
fice Building.

Variance to permit a 40-foot
front yard setback in lieu of the
required 70-foot and 18-foot
side yard setback in lieu of the
required 40-foot setback.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations. Please. Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.

7/132 July 13, 1995

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 14, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on July 13, 1995.

THE JEFFERSONIAN,

A. H. Henrichson
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-492-A

Account: R-001-6150

Date 6-23-95

Item Number 483

Taken by: JEF

~~Taken in~~

Owner: Garrison Forest School
Site: 300 Garrison Forest Rd.

#020 — Commercial Variance Filing Fee — 250.
#080 — Sign & Posting — 35.
Total — 285.

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01A01H0057MICHR

\$285.00

BA 0011:08AM06-23-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 483
Petitioner: Garrison Forest School
Location: 300 Garrison Forest School

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara White Ormrod
ADDRESS: Venable, Bartier + Howard LLP
210 Allegheny Ave., Towson Md 21204
* PHONE NUMBER: 494-6201

*MUST BE SUPPLIED

RECEIVED 10/15/93

10/15/93

TO: PUTUXENT PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara White Ormord
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-492-A (Item 483)
300 Garrison Forest Road
1865' SE of c/l Reisterstown Road and Garrison View Road, then 460' NE to POB
3rd Election District - 3rd Councilmanic
Legal Owner(s): Garrison Forest School
HEARING: WEDNESDAY, AUGUST 2, 1995 at 3:00 p.m. in Room 106, County Office Building.

Variance to permit a 40-foot front yard setback in lieu of the required 70-foot and 15-foot side yard setback in lieu of the required 40-foot setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-492-A (Item 483)

300 Garrison Forest Road

1865' SE of c/l Reisterstown Road and Garrison View Road, then 460' NE to POB

3rd Election District - 3rd Councilmanic

Legal Owner(s): Garrison Forest School

HEARING: WEDNESDAY, AUGUST 2, 1995 at 3:00 p.m. in Room 106, County Office Building.

Variance to permit a 40-foot front yard setback in lieu of the required 70-foot and 15-foot side yard setback in lieu of the required 40-foot setback.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Garrison Forest School
Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

ENCLOSURE



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 27, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 483
Case No.: 95-492-A
Petitioner: Garrison Forest Sch.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: July 26, 1995

FROM: Pat Keller, Director *[Signature]*
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 483, 485, 5 and 7

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey M. Long

Division Chief:

Garry L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 24, 1995
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
 Development Plans Review

RE: *RWB* Zoning Advisory Committee Meeting
 for July 17, 1995
 Items 479, 481, 482, 483, 484, 487, 488, 489, *12*
 490, 491, 492, ~~493~~, 495 and 496

The Development Plans Review Division has reviewed
the subject zoning item and we have no comments.

RWB:sw

RECEIVED



Maryland Department of Transportation
State Highway Administration

Hal Kassoff
Administrator

7-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 483 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

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Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: GARRISON FORREST SCHOOL

LOCATION: 1865' SE OF CENTERLINE REISTERSTOWN RD. AND GARRISON VIEW RD.
THEN 460' NE TO POB (300 GARRISON FORREST RD.-GARRISON FOREST SCHOOL)

Item No.: 483

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 7/18/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 7/10/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 478

479

480

481

483

484

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489

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496

revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

7/18/95

RE: PETITION FOR VARIANCE

300 Garrison Forest Road, 1865' SE of c/l
Reisterstown Road and Garrison View Rd,
then 460' NE to POB, 3rd Election Dist.,
3rd Councilmanic

Garrison Forest School
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-492-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

100-1000000

95-492-A -

alan Reeves - architect

Bill Hedges + Peter O'Neil

Proposed Fine arts & Performing
Center for programs

Location of Bldg - ~~an~~ integrated
use of

Part of bldg. - are clusters

Keep campus centrally
located for

Pre-School to High School -

Art & Music Center - combined in
one bldg.

~~20 years ago~~
centralize in one facility -

art, facility, practice rooms
for music, gallery,

Used by lower school,
middle school & upper
school

MICROFILMED

Variances -

Amend Petition

40 in lieu of 110

100 ~~as~~ acres approx in size

MICROFILMED

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
494-6262

June 23 1995

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Garrison Forest School
Proposed Fine and Performing Arts Center
300 Garrison Forest Road
Zoning Item No.:483

Dear Mr. Jablon:

On behalf of Garrison Forest School, petitioner in the above captioned matter, I would like to request an expedited hearing on the Petition for variance filed today and permission to obtain conditional building permits. The school is anxious to begin construction on their proposed Fine and Performing Arts Center in order to have the facility available for the 1995 fall semester. This project was granted a 26-171(a)(7) limited exemption on May 22, 1995, and the elevation drawings and plans have already been reviewed and approved by the Office of Planning and Zoning. The proposed building is interior to the campus and will not affect any neighboring property owners.

Thank you for your consideration of this request.

Yours truly,



Robert A. Hoffman

bwo

cc: G. Peter O'Neill, Headmaster
Douglas A. McGregor

TO1DOCS1/BAW01/0008387.01

MICROFILMED

RECEIVED

JUN 26 1995

7/6/95 - Per AJ

They may apply for the permit and
same may be reviewed before the hearing, but
not issued before the H.O.'s decision.

ZADM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert Hoffman

210 Allegheny Ave 21204

John Jansky

200 E. PA. AV. 21286

Peter O'Neill

300 Garrison Forest Rd.

Bill Helgeth

300 Garrison Forest Rd

Aaron Reed

5 E ROAD ST 21211

Kristen Forsyth (Interested Party)

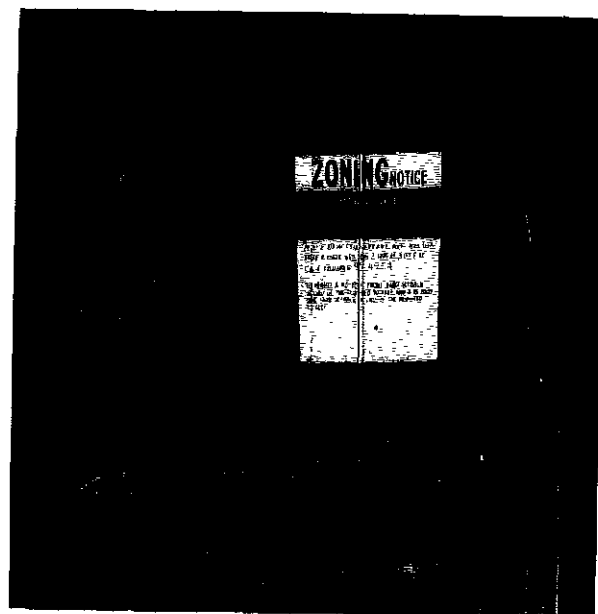
P.O. Box 5402 Towson 21285 VPC



Printed with Soybean Ink
on Recycled Paper

W/STP/MLL

95-492-A



95-492

RECORDED

IN RE: PETITION FOR VARIANCE * BEFORE THE
1865' SE of C/L Reisterstown Road * ZONING COMMISSIONER
and Garrison View Road, then 460' *
to the POB * OF BALTIMORE COUNTY
(300 Garrison Forest Road) *
3rd Election District * Case No.: 95-492-A
3rd Councilmanic District *
Garrison Forest School *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 300 Garrison Forest Road, located in Owings Mills. The petition was filed by the owner of the property, Garrison Forest School, by G. Peter O'Neill, Head of School, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek a variance from Section 1B01.2.C.1.a. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 40 foot setback between buildings in lieu of the required 110 foot setback and a 15 foot side yard setback in lieu of the required 80 foot setback. The subject property and relief sought are more particularly described on the site plan submitted and accepted in to evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were G. Peter O'Neill and William Hodgetts representing Garrison Forest School, Jean Tansey of Daft-McCune-Walker, Inc., the engineering firm that prepared the site plan for this project, Alan Reed of Grieves, Worrall & O'Hatnick, the architectural firm that prepared the perspectives for

this project, and Robert A. Hoffman, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject site consists of a gross area of 3.67 acres, zone D.R.1 and is a portion of the Garrison Forest School. The property is located on the northeast side of Reisterstown Road just off of Garrison Forest Road, in Owings Mills. The Petitioners are desirous of constructing a 12,000 sq. ft. Fine and Performing Arts Center in an effort to accommodate the growing needs of their student population. Testimony indicated the Petitioners were careful to design the proposed addition in keeping with the architecture of existing improvements. The variances are required because the Petitioners require that the buildings be closely grouped in order to preserve the character of the campus.

The B.C.Z.R., specifically Section 307.1, established a two-step process for granting of variances. That two-step process was discussed by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The opinion in that case interpreted the B.C.Z.R. to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and the Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself -- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause the relevant setback requirements to impact disproportionately upon this

particular parcel of land. No other property in this area has an existing private school with existing structures that dictate the location of the proposed Fine and Performing Arts Center. Moreover, the existing development on site and topography of the property adds to its unique character.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to demonstrate that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guideline set forth in Section 307.1 of the B.C.Z.R. has been thoroughly examined and discussed by the appellate courts of this State. In *Loyola Federal Savings and Loan Association v. Buschman*, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." *Loyola Federal*, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August, 1995, that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 40 foot setback between buildings in lieu of the required 110 foot setback and a 15 foot side yard setback in lieu of the required 80 foot setback be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Lawrence E. Schmidt,
Zoning Commissioner for
Baltimore County

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 300 Garrison Forest Road, Owings Mills, MD 21117
which is presently zoned DRI

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B01.2.C.1.a. of the Baltimore County Zoning Regulations to permit a 40 foot front yard setback in lieu of the required 70 foot and a 15 foot side yard setback in lieu of the required 40 foot setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, do hereby agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Person(s):

(Type or Print Name)

Signature

Address

City

State

Zip

Phone No.

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Phone No.

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Zip

Use on severely distressed and allow under the provisions of property, that time and the legal interest of the property which is the subject of this petition.

(Type or Print Name)

Signature

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Baltimore County Government
Office of Zoning Administration & Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-492-A (Item 483)
300 Garrison Forest Road
1865' SE of c/l Reisterstown Road and Garrison View Road, then 460' NE to POB
3rd Election District - 3rd Councilmanic
Legal Owner(s): Garrison Forest School
HEARING: WEDNESDAY, AUGUST 2, 1995 at 3:00 p.m. in Room 106, County Office Building.

Variance to permit a 40-foot front yard setback in lieu of the required 70-foot and 15-foot side yard setback in lieu of the required 40-foot setback.

Carl Jablon
Arnold Jablon
Director
Department of Permits and Development Management

cc: Garrison Forest School
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration & Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

TO: POTOMAC PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara White Ormond
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
494-6201

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1) Posting fees will be assessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 483
Petitioner: Garrison Forest School
Location: 300 Garrison Forest School
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara White Ormond
ADDRESS: Venable, Baetjer & Howard LLP
210 Allegheny Ave., Towson Md 21204
PHONE NUMBER: 494-6201

MUST BE SUPPLIED

Baltimore County Government
Office of Zoning Administration & Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

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Carl Jablon
Arnold Jablon
Director
Department of Permits and Development Management

cc: Garrison Forest School
Robert A. Hoffman, Esq.

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Baltimore County Government
Office of Zoning Administration & Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

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Arnold Jablon
Director
Department of Permits and Development Management

cc: Garrison Forest School
Robert A. Hoffman, Esq.

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Baltimore County Government
Office of Zoning Administration & Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 27, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 483
Case No.: 95-492-A
Petitioner: Garrison Forest Sch.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: July 26, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 483, 485, 5 and 7

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol Kenna*
PK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: July 24, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
For July 17, 1995
Items 479, 481, 482, 483, 484, 487, 488, 489, 490, 491, 492, 493, 495 and 496

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:sm

Maryland Department of Transportation
State Highway Administration

7-7-95

Ms. Joyce Watson
Zoning Administration and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 483 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

1. Owner and Applicant: Garrison Forest School
300 Garrison Forest Road
Owings Mills, MD 21117
District Reference: 104/1463
Tax Account: 80307000954
2. Election District 3, Councilmanic 3, Census Tract 4037.01
3. No signs are proposed.
4. Site Data
Current Acreage and Zoning

| | | | |
|-------|---|------------------|--|
| Net | = | 3.67 Ac. ±, DR-1 | |
| Gross | = | 3.87 Ac. ±, DR-1 | |

Density

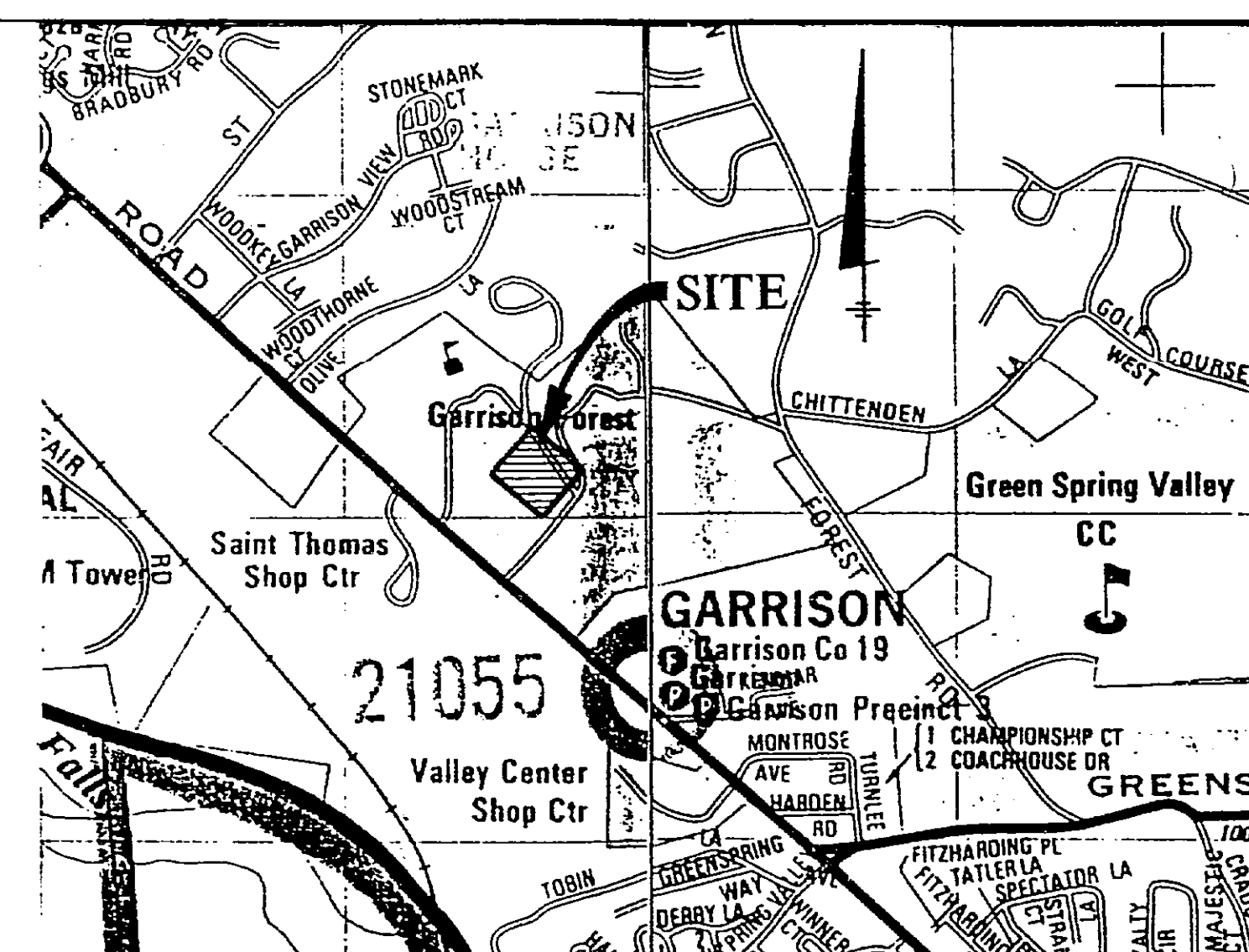
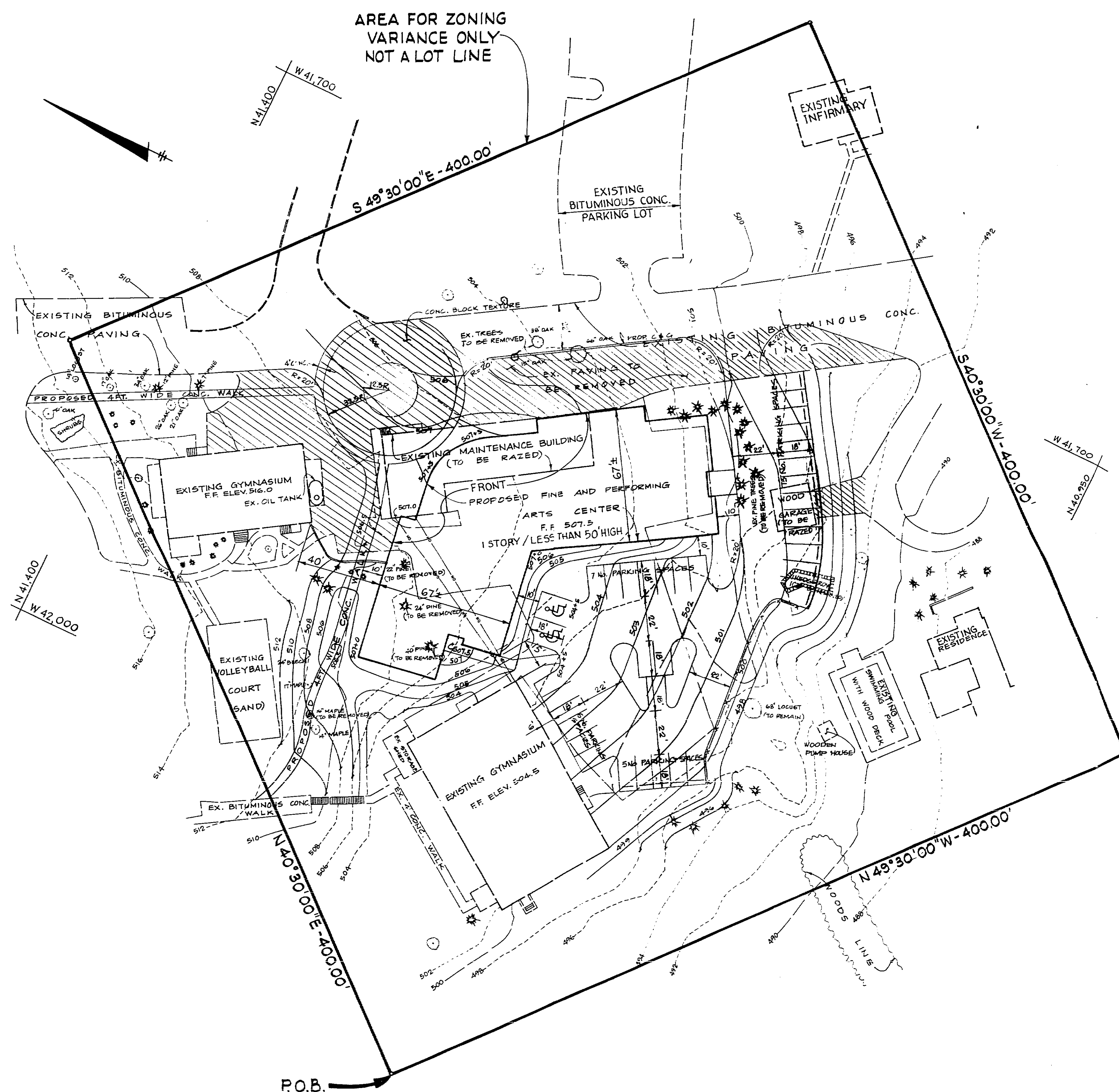
| | | | |
|----------|--------------|----------------------------------|-----------|
| Parking | | | |
| Required | Recital Hall | 1 space / 4 seats x 80 seats = | 20 spaces |
| | Offices | 1 space / Teacher x 2 teachers = | 2 spaces |
| | | | 22 spaces |

Proposed 36 spaces including 2 handicapped

All spaces will be minimum of 8.5' x 16' paved with a durable and dustless surface and striped.

Amenity Open Space
None Required

Landscape Planting
New ± 35 proposed parking spaces @ 1/12 = 3 p.u.
300 LL of minor road @ 1/20 = 15.0 p.u.
Proo = 18 p.u. (MAX.)
18 p.u. (MAX.)
5. There are no existing or proposed use of septic systems on site.
6. There are no crossing streams, springs storm water management easements or wetlands on or within 50' of the site.
7. All on site utilities and roads are private. The site is served by public water and sanitary sewer.
8. A waiver of storm water management quantity requirements has been requested.
9. This site has not been the subject of previous zoning action.
10. The proposed building will not exceed a maximum height of 50 feet.
11. Zoning Relief Sought:
Variance from sections 1501.2 C 1 a. of the Baltimore County Zoning Regulations to permit a 40 foot front setback in lieu of required 70 foot and a 15 foot side setback in lieu of required 40 foot setback.



Vicinity Map Scale: 1" = 1000' Copyright ADC The Map People Permitted Use No. 2009425

NOTE: Horizontal and vertical information shown hereon is referred to the system of coordinates established in the Baltimore County Metropolitan District and is based on the following traverse stations:

| | | | | | |
|-------|---|----------|---|----------|---------------|
| 16976 | N | 39811.93 | W | 41365.33 | ELEV. 450.631 |
| 16977 | N | 40301.86 | W | 41926.24 | ELEV. 463.546 |

95-492-A
483

PRINTED

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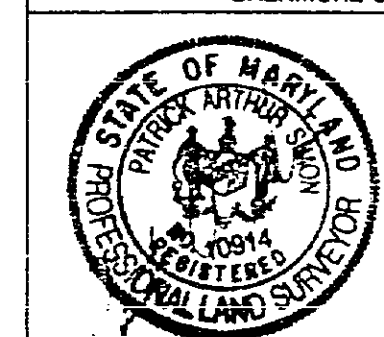
DAFT-McCUNE-WALKER, INC



Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

PLAN TO ACCOMPANY
ZONING VARIANCE FOR
GARRISON FOREST SCHOOL
PROPOSED FINE AND
PERFORMING ARTS CENTER

3RD ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY MARYLAND[illegible]

GENERAL NOTES

Owner: Garrison Forest School
 870 Garrison Forest Road
 Owings Mills, MD 21117
 Street Reference: 041483
 Tax Account: 4030/000554

Project: 21055 Garrison Forest School

Site: 21055 Garrison Forest School

Density: Not Applicable

Parking: Required: Rectory Hall 1 space / 4 seats x 80 seats = 20 spaces
 Offices 1 space / teacher x 2 teachers = 2 spaces
 22 spaces

Proposed: 36 spaces including 2 handicapped

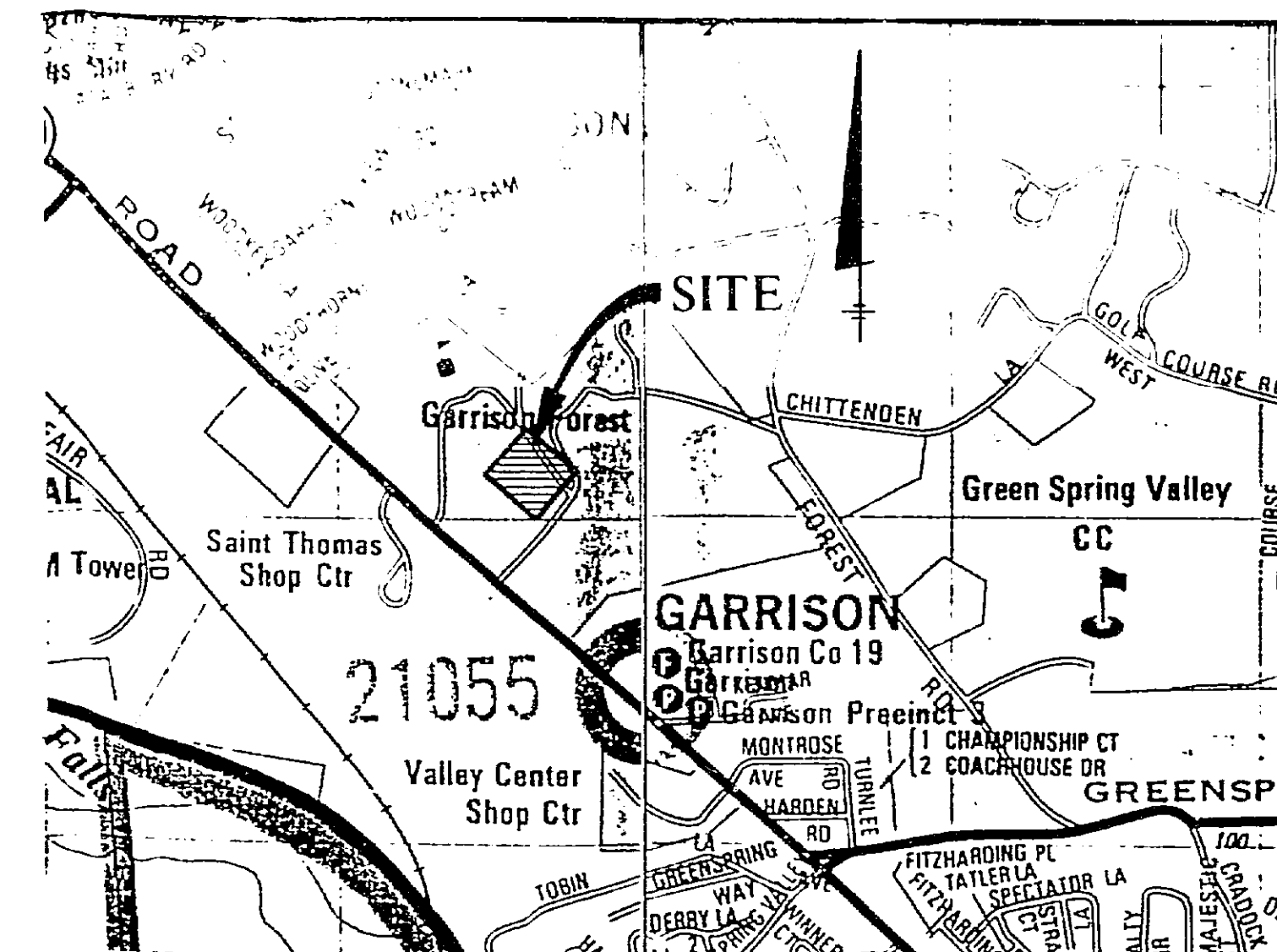
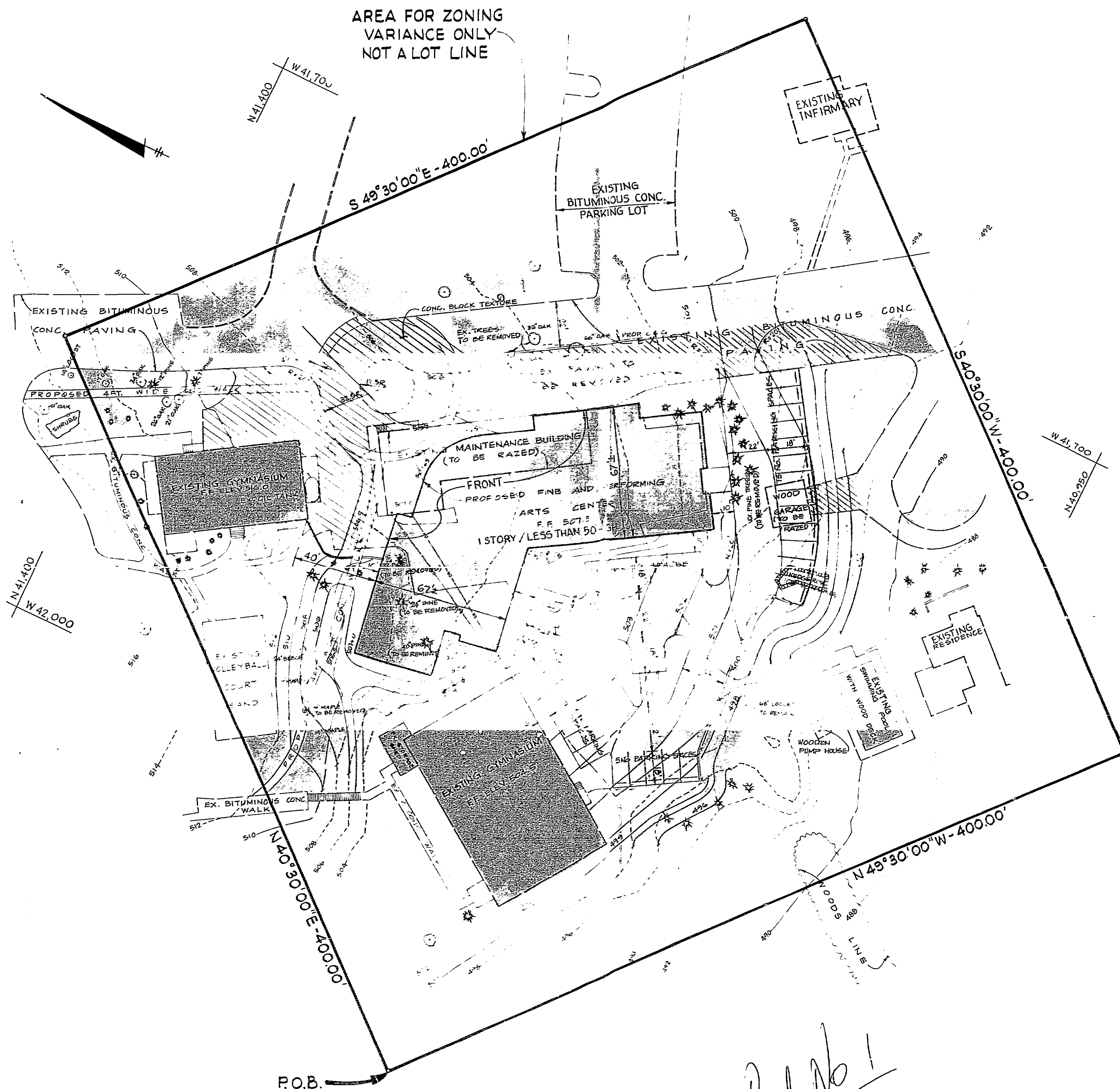
All spaces will be minimum of 6.5' x 16' paved with a durable and dustless surface and striped.

Amenity Open Space: None Required

Landscape Planting: New: 36 proposed parking spaces @ 1/12" = 3 p.u.
 300 LF of minor road @ 1/50" = 15 p.u.
 15 p.u. (1.111)

- There are no existing or proposed well or septic systems on site.
- There are no existing streams, springs, storm water management elements or wetlands on or within 50' of the site.
- All on site utilities and roads are private. The site is served by public water and sanitary sewer.
- A waiver of storm water management quantity requirements has been requested.
- This site has not been the subject of previous zoning action.
- The proposed building will not exceed a maximum height of 50 feet.

11. Zoning Relief Sought
 Variance from Section 19-112(c)(1) of the Baltimore County Zoning Code
 Regulations to permit a 40 foot front setback in lieu of required 25 foot
 and a 15 foot side setback in lieu of required 22 foot setback



Vicinity Map Scale: 1" = 1000' Copyright ADC The Map People Permitted Use No. 20094255

NOTE: Horizontal and vertical information shown hereon is referred to the system of coordinates established in the Baltimore County Metropolitan District and is based on the following traverse stations:

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|-------|------------|------------|--------------|
| 16976 | N 38811.93 | W 41365.33 | ELEV 450.631 |
| 16977 | N 40301.86 | W 41926.24 | ELEV 463.546 |

DMW

Draft-McCune-Walker, Inc.
 200 East Pennsylvania Avenue
 Towson, Maryland 21206
 (410) 286-1111
 Fax: (410) 286-1112

A Team of Land Planners,
 Landscape Architects,
 Engineers, Surveyors &
 Environmental Professionals

**PLAN TO ACCOMPANY
 ZONING VARIANCE FOR
 GARRISON FOREST SCHOOL
 PROPOSED FINE AND
 PERFORMING ARTS CENTER**

3RD ELECTION DISTRICT BALTIMORE COUNTY MARYLAND

DATE: 07/26/95 BY: JWR REVISIONS: VARIANCE REQUEST

DATE: 07/26/95 BY: JWR REVISIONS: VARIANCE REQUEST

DATE: 07/26/95 BY: JWR REVISIONS: VARIANCE REQUEST

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